

PTO/SB/21 (09-04)

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Total Number of Pages in This Submission

**4**

Application Number 10/712,696

Filing Date November 12, 2003

First Named Inventor UNGER

Art Unit 2613

Examiner Name LE, Vu

Attorney Docket Number 81097/7114

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Return Postcard 2. PTO Form SB/08A 3. 1 Reference
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Fitch, Even, Tabin & Flannery		
Signature			
Printed name	Steven M. Freeland		
Date	August 5, 2005	Reg. No.	42,555

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No. 81097/7114

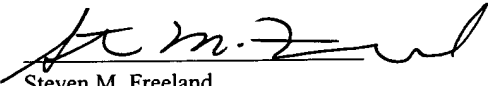
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert Allan Unger  
Application No.: 10/712,696  
Filed: November 12, 2003  
Title: APPARATUS AND METHOD FOR USE  
IN PROVIDING DYNAMIC BIT RATE  
ENCODING  
Art Unit: 2613  
Examiner: Vu Le  
Customer No.: 37123  
Confirmation No.: 9238

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8/5/05  
Date

  
Steven M. Freeland  
Registration No. 42,555  
Attorney for Applicants

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is submitted:

\_\_\_\_ Under 37 CFR §1.97(b) (within three months of the filing date of a  
national application or date of entry of an international application,  
or before the mailing date of a first Office Action on the merits,  
whichever occurs last). However, should a first Office Action on the  
merits be mailed unbeknownst to the undersigned prior to the date  
of mailing of this paper, the fee requested under §1.17(p) may be  
charged to Deposit Account No. 50-1616.

X Under 37 CFR §1.97(c) together with either:  
\_\_\_\_ a statement under 37 CFR §1.97(e), or  
X a fee (\$180) under 37 CFR §1.17(p) which may be charged to

IDS

Application No. 10/712,696

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deposit account number 06-1135 of Fitch, Even, Tabin & Flannery. (after the 37 CFR §1.97(b) time period, but before the mailing date of a final Action, a Notice of Allowance, or an action that otherwise closes prosecution).

\_\_\_\_ Under 37 CFR §1.97(d) together with:

\_\_\_\_ a statement under 37 CFR §1.97(e), and

\_\_\_\_ a fee under 37 CFR §1.17(p)

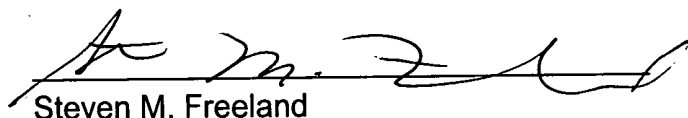
(after the 37 CFR §1.97(c) time period, but on or before payment of the issue fee).

In accordance with the duty of disclosure imposed by 37 CFR § 1.56 to inform the Patent Office of all patents, publications, applications and other information known by Applicants or Applicants' representative that may be material to the examination of the subject application, Applicants' representative hereby provides this Information Disclosure Statement that is prepared in accordance with 37 CFR §§ 1.97-1.98 and includes Form PTO/SB/08A with one reference listed as item AA.

It is requested that the information provided herein be made of record in this application.

Dated: August 5, 2005

Respectfully submitted,



Steven M. Freeland

Attorney for Applicants

Reg. No. 42,555

**Address all Correspondence to:**

Thomas F. Lebens

FITCH, EVEN, TABIN & FLANNERY

120 So. LaSalle Street, Suite 1600

Chicago, IL 60603

(858) 552-1311

423749v1

